

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Plaintiffs,)	C.A. No. 22-252 (MSG)
)	
v.)	HIGHLY CONFIDENTIAL –
)	OUTSIDE COUNSEL’S EYES ONLY
MODERNA, INC. and MODERNATX, INC.)	
)	JURY TRIAL DEMANDED
Defendants.)	
MODERNA, INC. and MODERNATX, INC.,)	
)	
Counterclaim-Plaintiffs,)	
)	
v.)	
)	
ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Counterclaim-Defendants.)	

**DEFENDANTS’ RESPONSES AND OBJECTIONS TO PLAINTIFFS’ SECOND SET OF
REQUESTS FOR PRODUCTION TO DEFENDANTS (NOS. 99–127)**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendants Moderna, Inc. and ModernaTX, Inc. (collectively, “Moderna” or “Defendants”) provide their responses and objections to Plaintiffs Arbutus Biopharma Corporation (“Arbutus”) and Genevant Sciences GmbH (“Genevant”)’s requests for production.

GENERAL OBJECTIONS

Moderna incorporates by reference its General Objections provided in Moderna’s Responses and Objections to Plaintiffs’ First Set of Requests for Production to Defendants (Nos. 1–98) served February 2, 2023.

HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY

DEFINITIONS

Moderna incorporates by reference the Definitions provided in Moderna’s Responses and Objections to Plaintiffs’ First Set of Requests for Production to Defendants (Nos. 1–98) served February 2, 2023.

OBJECTIONS TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 99:

All documents and communications by, with, or from Stéphane Bancel related to the Accused Product, the Patents-in-Suit, Plaintiffs, Operation Warp Speed, Contract No. W911QY-20-C-0100, or Contract No. W58P05-22-C-0017.

RESPONSE TO REQUEST FOR PRODUCTION NO. 99:

Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, including because it seeks “[a]ll documents and communications by, with, or from Stéphane Bancel” related to various overbroad topics including the Accused Product and Operation Warp Speed, Contract No. W911QY-20-C-0100, or Contract No. W58P05-22-C-0017, which presumes that all such documents and communications are relevant. Moderna will not produce irrelevant and/or non-responsive documents. Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, specifically because it lacks reasonable temporal restrictions. Moderna objects to this Request as seeking the production of documents protected from discovery by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity. Moderna will not produce such documents. Moderna objects to this Request as improperly seeking to expand upon the default number of ESI custodians under the Delaware Default Standard. Moderna has already identified a proportional number of ESI custodians most likely to have relevant ESI, including custodians with information

HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY

concerning the C-0100 and C-0017 contracts. Moderna objects to this Request to the extent it seeks documents that are protected by confidentiality obligations to third parties that prohibit or restrict their disclosure by Moderna (by agreement or by law) and will not produce such documents. Moderna objects to this Request as duplicative of at least RFP Nos. 6, 47, 49, and 50. Moderna also objects to this Request to the extent it calls for information that is publicly available. Moderna will not search for and produce information that is publicly available.

Subject to and without waiving any of its general or specific objections, Moderna will not produce documents solely in response to this Request.

REQUEST FOR PRODUCTION NO. 100:

All documents and communications by, with, or from Moncef Slaoui related to the Accused Product, the Patents-in-Suit, Plaintiffs, Operation Warp Speed, Contract No. W911QY-20-C-0100, or Contract No. W58P05-22-C-0017.

RESPONSE TO REQUEST FOR PRODUCTION NO. 100:

Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, including because it seeks “[a]ll documents and communications by, with, or from Moncef Slaoui” related to various overbroad topics including the Accused Product and Operation Warp Speed, Contract No. W911QY-20-C-0100, or Contract No. W58P05-22-C-0017, which presumes that all such documents and communications are relevant. Moderna will not produce irrelevant and/or non-responsive documents. Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, specifically because it lacks reasonable temporal restrictions. Moderna objects to this Request as seeking the production of documents protected from discovery by the attorney-client privilege, the work-product doctrine,

HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY

REQUEST FOR PRODUCTION NO. 118:

All documents produced by Moderna related to the Accused Product in *ModernaTX, Inc. and Moderna US, Inc. v. Pfizer Inc., BioNTech SE, BioNTech Manufacturing GmbH, and BioNTech US Inc.*, Case 1:22-cv-11378-RGS (D. Mass.).

RESPONSE TO REQUEST FOR PRODUCTION NO. 118:

Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, including because it seeks “[a]ll documents produced by Moderna related to the Accused Product” in *Moderna v. Pfizer* litigation (C.A. No. 22-cv-11378 (D. Mass.)), which involves different patents from the current case, and potentially encompasses an enormous volume of documents, not all of which will have relevance to the issues in dispute, and some of which may require redaction and/or review for third-party confidentiality. Moderna will not produce irrelevant and/or non-responsive documents, including documents relating to aspects of the Accused Products that are not relevant to the Asserted Claims. Moderna objects to this Request to the extent it seeks proprietary, confidential, or trade secret information of Moderna or of others to whom Moderna is under an obligation of confidentiality (by agreement or by law).

Subject to and without waiving any of its general or specific objections, Moderna is willing to meet and confer regarding this Request.

REQUEST FOR PRODUCTION NO. 119:

All pleadings, correspondence, transcripts, discovery requests, discovery responses, or other documents associated with *ModernaTX, Inc. and Moderna US, Inc. v. Pfizer Inc., BioNTech SE, BioNTech Manufacturing GmbH, and BioNTech US Inc.*, Case 1:22-cv-11378-RGS (D. Mass.), including but not limited to requests for production, responses to requests for production, interrogatories, interrogatory responses, discovery correspondence, briefs, deposition transcripts, and hearing transcripts.

HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Brian P. Egan

OF COUNSEL:

James F. Hurst
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000

Patricia A. Carson, Ph.D.
Jeanna M. Wacker, P.C.
Mark C. McLennan
Nancy Kaye Horstman
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, NY 10022
(212) 446-4800

Yan-Xin Li
KIRKLAND & ELLIS LLP
555 California Street, 27th Floor
San Francisco, CA 94104
(415) 439-1400

Alina Afinogenova
KIRKLAND & ELLIS LLP
200 Clarendon Street
Boston, MA 02116
(617) 385-7500

June 26, 2023

Jack B. Blumenfeld (#1014)
Brian P. Egan (#6227)
Travis J. Murray (#6882)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
began@morrisnichols.com
tmurray@morrisnichols.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, copies of the foregoing were caused to be served upon the following in the manner indicated:

John W. Shaw, Esquire
Karen E. Keller, Esquire
Nathan R. Hoeschen, Esquire
Emily S. DiBenedetto, Esquire
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
*Attorneys for Plaintiffs Arbutus Biopharma
Corporation and Genevant Sciences GmbH*

VIA ELECTRONIC MAIL

Daralyn J. Durie, Esquire
Adam R. Brausa, Esquire
Annie A. Lee, Esquire
Shaelyn K. Dawson, Esquire
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
*Attorneys for Plaintiff Arbutus Biopharma
Corporation*

VIA ELECTRONIC MAIL

Kira A. Davis, Esquire
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, CA 90017-3543
*Attorneys for Plaintiff Arbutus Biopharma
Corporation*

VIA ELECTRONIC MAIL

David N. Tan, Esquire
MORRISON & FOERSTER LLP
2100 L Street, NW, Suite 900
Washington, DC 20037
*Attorneys for Plaintiff Arbutus Biopharma
Corporation*

VIA ELECTRONIC MAIL

David I. Berl, Esquire
Adam D. Harber, Esquire
Thomas S. Fletcher, Esquire
Jessica Palmer Ryen, Esquire
Lydia B. Cash, Esquire
Shaun P. Mahaffy, Esquire
Anthony H. Sheh, Esquire
Philip N. Haunschild, Esquire
Jihad J. Komis, Esquire
WILLIAMS & CONNOLLY LLP
680 Maine Avenue S.W.
Washington, DC 20024
*Attorneys for Plaintiff Genevant Sciences
GmbH*

VIA ELECTRONIC MAIL

/s/ Brian P. Egan

Brian P. Egan (#6227)